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Attorneys for Defendant
ANNA'S LINENS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CORNELIUS CLARK, CHESTER LEWIS,
JOHN PONDS and GARRANT COSEY, on behalf
of themselves and all other similarly situated
persons,

Plaintiffs,

vs.

ANNA'S LINENS, INC.,

Defendant.

) CASE NO. C05-02670 MMC

) **JOINT STIPULATION AND**
[PROPOSED] ORDER RE:

) **CONTINUANCE OF HEARING ON**
DEFENDANT ANNA'S LINENS,
INC.'S MOTION FOR SUMMARY

) **JUDGMENT OR IN THE**
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT AND
PLAINTIFFS' REQUEST

) **PURSUANT TO FEDERAL RULE**
OF CIVIL PROCEDURE 56(f)

) Current Hearing Date: February 9, 2007

) Time: 9:00 a.m.

) Judge: Hon. Maxine M. Chesney

Ctrm: 7

Plaintiffs, Cornelius Clark, Chester Lewis, John Ponds and Garrant Cosey (“Plaintiffs”) and Defendant, Anna’s Linens, Inc. (“Defendant”), by and through their respective counsel, hereby agree and stipulate as follows:

WHEREAS, on January 5, 2007, Defendant filed a Motion For Summary Judgment Or In The Alternative, Partial Summary Judgment. This Motion was scheduled to be heard on February 9, 2007;

WHEREAS, on January 19, 2007, Plaintiffs filed a Request, Pursuant to Federal Rule of

1 Civil Procedure 56(f), That The Court Deny Defendant Anna's Linens, Inc.'s Motion For
2 Summary Judgment, Or In The Alternative, Partial Summary Judgment, As Premature, Or In
3 The Alternative, Continue Anna's Linens' Motion, To Allow Plaintiffs Adequate Time For
4 Discovery Of Essential Facts To Enable Plaintiffs To Resist Anna's Linens' Motion. This
5 Request also was scheduled to be heard on February 9, 2007;

6 WHEREAS, on January 30, 2007, Plaintiffs filed a Request That The Court Grant Relief
7 Pursuant To Federal Rule of Civil Procedure 56(f), Which Is Effectively Unopposed. That
8 Request also was scheduled to be heard on February 9, 2007;

9 WHEREAS, on February 1, 2007, Defendant Anna's Linens, Inc. filed an Opposition To
10 And Motion To Strike Plaintiffs' "Request That Court Grant Plaintiffs' Request For Relief
11 Pursuant To Federal Rule Of Civil Procedure 56(f)";

12 WHEREAS the parties are and have been engaged in mediation before Jerry Spolter,
13 Esq., of JAMS, and have scheduled another mediation session for February 8, 2007; and

14 WHEREAS, in order to maximize the potential benefits of mediation, the parties wish to
15 avoid potentially unnecessary litigation burdens and expense and wish to spare the Court the
16 burden of potentially unnecessary proceedings;

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1 NOW, THEREFORE, Plaintiffs and Defendant hereby AGREE and STIPULATE that the
2 hearing on the above-referenced motions shall be continued four (4) weeks to March 9, 2007, or
3 to a date thereafter set by the Court.

4 IT IS SO STIPULATED.

5 DATED: February 2, 2007

6 GOLDSTEIN, DEMCHAK, BALLER,
7 BORGEN & DARDARIAN

8 By: /s/ Teresa Demchak
9 TERESA DEMCHAK
10 Attorneys for Plaintiffs CORNELIUS
11 CLARK, CHESTER LEWIS, JOHN
12 PONDS, AND GARRANT COSEY

13 DATED: February 2, 2007

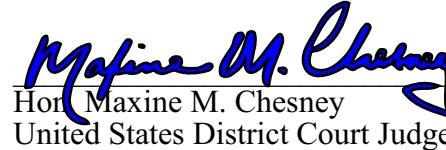
14 GORDON & REES LLP

15 By: /s/ Brian P. Maschler
16 BRIAN P. MASCHLER
17 Attorneys for Defendant
18 ANNA'S LINENS, INC.

19 IT IS SO ORDERED. The hearing is continued to March 9, 2007 at

20 9 a.m./p.m.
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22 DATED: February 5, 2007

23 
24 Hon. Maxine M. Chesney
25 United States District Court Judge

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